REMARKS

Claims 72, 74-79, 81-83, 85, 92, 96-99, 101-103, 105, 107, 113-116, 119, and 120 are pending in the application. Claims 73, 80, 84, 86-91, 93-95, 100, 104, 106, 108-112, 117, and 118 are cancelled and claims 119 and 120 are withdrawn from examination. Claims 72 and 99 are amended to require that the composition be suitable for intraosseous injection. Support for this amendment may be found throughout the specification as filed and, in particular, at page 3, first full paragraph.

RESTRICTION REQUIREMENT

In a restriction requirement dated October 1, 2007, the Examiner required restriction under 35 U.S.C. § 121 between:

Group I: Claims 72-118, drawn to a composition for injectable delivery of osteogenic proteins comprising an osteogenic protein and a hyaluronic acid ester and the composition is in the form of a cylindrical rod.

Group II: Claim 119, drawn to a method of making a composition.

Group III: Claim 120, drawn to a method of treating a mammal having a bone defect comprising administering to the site of bone defect an effective amount of composition.

Applicants provisionally elect to prosecute Group I, claims 72-118, drawn to drawn to a composition for injectable delivery of osteogenic proteins comprising an osteogenic protein and a hyaluronic acid ester and the composition is in the form of a cylindrical rod.

SPECIES ELECTIONS

The Examiner has further required election of one of the following species. Upon allowance of a generic claim, the Examiner will consider claims to additional species.

Bone morphogenic protein: BMP-2, BMP-4, BMP-5, BMP-6, BMP-7, BMP-10, BMP-12, BMP-13 or MP 52

Applicants provisionally elect BMP-2.

Excipient: pharmaceutically acceptable salts, polysaccharides, peptides, proteins, amino acids, synthetic polymers, natural polymers, or surfacants.

The amended claims do not refer to excipients, removing the need to elect an excipient species.

Resorption inhibitor: bisphosphonate.

Applicants provisionally elect bisphosphonate.

Biosphosphonates: alendronate, cimadronate, clodronate, EB-1053, etidronates, ibandronate, neridronate, opadronate, pamidronate, risedronate, tiludronate, YH 529, zolendronate, or pharmaceutically acceptable salts, esters, acids, or mixtures thereof.

Applicants provisionally elect alendronate.

Percent hyaluronic acid ester: 100%, 50%, 60%, 65%, 75%, 80%.

Applicants provisionally elect 100% hyaluronic acid esters.

Hyaluronic acid: such as Hyaff11p65, partially soluble particles, films, fibers, non-woven pads, or sponges.

Applicants provisionally elect Hyaff11p65.

Solvent: water, organic solvent or aqueous buffer.

Applicants note that water is a species of the genus of aqueous buffers, and not a separate species and request that this species election be re-characterized as an election between organic solvent and aqueous buffer. Applicants provisionally elect organic solvent as the solvent.

If there are additional fees due in connection with the filing of this Preliminary Amendment, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

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Dated: November 28, 2007

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